

Message Text

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ACTION NODS-00

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S E C R E T MEXICO 3433

NODIS

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TAGS: PFOR MX

SUBJECT: BOYCE/LEE ESPIONAGE CASE

REF MEXICO 3251

1. SUMMARY: FOREIGN SECREATRY CONTINUES UNEASY ABOUT THIS CASE. HOWEVER, HE HAS PROMPTED TO RAISE MATTER OF MEXICO WITNESSES WITH PRESIDENT TODAY. ALTHOUGH I BELIEVE I HAVE CONVINCED FONSEC THAT MEXICO CAN DO AS WE ASK WITHOUT SIGNIFICANT POLITICAL COSTS, I DOUBT THAT HE CAN PERSUADE PRESIDENT. I CONTINUE TO NEED THE ASSURANCE REQUESTED REFTEL BEFORE PRESSING PRESIDENT FURTHER. END SUMMARY..

2. FONSEC AND I IN BOTH ATTENDED CEREMONY THIS MORNIMG (MAR 18) PRESIDED OVER BY PRESIDENT LOPEX PORTILLO COMMEMORATING 19TH ANNIVERSARY OF MEXICO'S NATIONALIZATION OF OIL RESOURCES. DURING CEREMONY, FONSEC ROEL SENT A MESSAGE TO ME FROM THE DAIS ASKING THAT I SPEAK WITH HIM AT THE END OF THE CEREMONY. WHEN I DID SO, HE INVITED ME TO ACCOMPANY HIM IN HIS AUTO TO HIS HOME WHERE WE MIGHT DISCUSS THIS SUBJECT PRIVATELY.

3. ONCE AT HIS RESIDENCE, FOCSEC AGAIN EXPRESSED GREAT ANXIETS ABOUT POTENTIAL FOR GOM EMBARRASSMENT

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INVOLVED IN LEE'S RETURN TO U.S. JURISDICTION. I REPEATED ARGUMENTS I HAD USED BFORE. I ALSO REMINDED ROEL THAT WE WERE SEEKING THESE WITNESSES SOLELY TO TESTIFY CONCERNING THEIR ARREST, SEARCH AND INTERVIEW OF LEE. I SAID I ASSUMED THEY WERE NOT INVOLVED IN OR KNOWLEDGEABLE CONCERNING THE MANNER OR REASONS FOR LEE'S RETURN TO U.S.

JURISDICTION. IN ADDITION, I TOLD FONSEC THAT IT WAS MY UNDERSTANDING THAT, UNDER MEXICAN LAW, SECRETARY OF GOVERNMENT ENJOYS WIDE POWERS OF DEPORTATION FROM MEXICAN TERRITORY AND THAT I THOUGHT THAT THERE WAS GOOD REASON TO BELIEVE THAT LEE WAS DEPORTED UNDER A PERFECTLY LEGAL DEPORTATION ORDER. IF SO, THIS WOULD REMOVE ANY NEED FOR CONCERN ABOUT DELIVERY OF LEE TO U.S. JURISDICTION.

4. FONSEC WAS CONSIDERABLY HEARTENED AT THIS AND SAID HE WOULD DETERMINE IMMEDIATELY WHETHER A DEPORTATION ORDER HAD BEEN ISSUED. HE CONFIRMED AGAIN WITH ME THE DETAILS OF OUR REQUEST E.G. THAT FOUR MEXICAN POLICE OFFICIALS COME TO U.S. AT OUR EXPENSE EITHER (A) TO GIVE THEIR DEPOSITION OR PREFERABLY, (B) TO SIMPLY APPEAR AND TESTIFY AT THE TRIAL AS ORDINARY WITNESSES. FONSEC SAID HE WOULD SEEK TO OBTAIN PRESIDENT'S AUTHORIZATION TO ACCEDE TO OUR REQUEST.

5. I REMINDED SECRETARY THAT PRE-TRIAL HEARINGS WILL BE HELD MONDAY, MARCH 21, AND THAT IT IS IMPORTANT TO KNOW BEFORE THEN WHETHER MEXICAN WITNESSES WILL PROVIDE THEIR TESTIMONY. FONSEC ROEL ASSURED ME AGAIN OF HIS AND GOM DESIRE TO BE HELPFUL AND PROMISED THAT HE WOULD SEEK TO OBTAIN PRESIDENT'S AUTHORIZATION THIS EVENING.

6. COMMENT: DESPITE HIS INITIAL MISGIVINGS, I BELIEVE FONSEC WILL ARGUE OUR CASE WITH THE PRESIDENT. HOWEVER,
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GIVEN THE PRESIDENT'S RECORD IN THIS MATTER, I DOUBT THAT HE WILL AGREE. IF THAT SHOULD BE THE CASE, I SHOULD LIKE TO BE ASSURED THAT THE SECRETARY IS FAMILIAR WITH THE RECORD AND ITS IMPLICATIONS BEFORE I PRESS THE PRESIDENT FURTHER.

7. PLEASE ADVISE.
THOMPSON

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NNN

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